

ENTERED

October 14, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

OMAR GUADALUPE SORIA-GONZALEZ,

Petitioner

VS.

UNITED STATES OF AMERICA

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§CIVIL ACTION NO. 1:20-CV-205
CRIM ACTION NO. 1:19-983-1**ORDER**

In December 2020, Petitioner Omar Guadalupe Soria-Gonzalez filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1), alleging that his trial attorney provided ineffective assistance of counsel. (*Id.* at 4) At the request of the Magistrate Judge, Soria-Gonzalez later filed an Amended Motion (Docs. 8, 9), reiterating his claim of ineffective assistance of counsel and making additional claims that he was wrongfully convicted under 8 U.S.C. § 1326, and that he should not have had a term of supervised release imposed as part of his sentence. (Doc. 8, 5; Doc. 9, 2)

In August 2021, the Magistrate Judge issued a Report and Recommendation (Doc. 10) recommending that Soria-Gonzalez's petition be denied. No party filed objections.¹

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 10). It is:

ORDERED that the Petitioner Soria-Gonzalez's Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Docs. 8, 9) is **DENIED**.

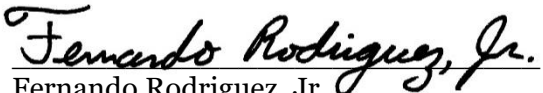
In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Soria-Gonzalez fails to make a "substantial showing of the denial of a

¹ On August 31, 2021, the Clerk of Court served the Report and Recommendation on Soria-Gonzalez at the address he has on file with the Court. (Doc. 11) *See* FED. R. CIV. P. 5(b)(2)(C) (authorizing service by mailing the document to the person's last known address); *Cholick v. Salvador*, No. 1:20-CV-00164, 2020 WL 6504446 (S.D. Tex. Nov. 5, 2020) (adopting the Report and Recommendation despite mail being returned undeliverable because service at the plaintiff's last known address was sufficient).

constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** the request for a Certificate of Appealability.

The Clerk of Court is directed to close this matter.

Signed on October 14, 2021.


Fernando Rodriguez, Jr.
United States District Judge